

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Montrell Russum,

Petitioner

v.

Warden Bean, et al.,

Respondents

Case No.: 2:24-cv-01017-CDS-DJA

Order Granting Motion to Seal

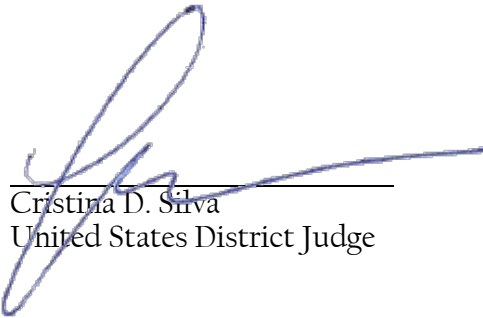
[ECF No. 15]

This is Montrell Russum's pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 6. Respondents have filed a motion for leave to file an exhibit *in camera* and under seal. ECF No. 15. While there is a presumption favoring public access to judicial filings and documents, *see Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978), a party seeking to seal a judicial record may overcome the presumption by demonstrating "compelling reasons" that outweigh the public policies favoring disclosure. *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178–79 (9th Cir. 2006) (citations omitted). In general, "compelling reasons" exist where the records may be used for improper purposes. *Id.* at 1179 (citing *Nixon*, 435 U.S. at 598). Here, respondents ask to file Russum's presentence investigation report ("PSI") *in camera* and under seal because it is confidential under state law and contains sensitive information concerning his crimes. ECF No. 15. Additionally, respondents state that under NDOC regulations, inmates cannot possess a copy of their PSI in their cell and must submit documentation to their caseworker in order to view the report. The court has reviewed the PSI and concludes that respondents have demonstrated compelling reasons to file the PSI under seal. However, if petitioner is not permitted to possess a copy of the PSI in his cell and has to go through his caseworker to review it, there does not appear to be a security concern or a concern

1 about the health and safety of staff and inmates. So filing the PSI *in camera* is not necessary or
2 warranted. Accordingly, the motion is granted in part, and the PSI will remain under seal.

3 It is therefore ordered that respondents' motion for leave to file an exhibit *in camera* and
4 under seal [ECF No. 15] is granted in part and denied in part. The document will remain
5 under seal.

6 Dated: May 5, 2025

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9 Cristina D. Silva
10 United States District Judge
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